

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

State of Minnesota, by its
Attorney General Lori Swanson,

Civil File No. 12-145 RHK/JJK

Plaintiff,

v.

AFFIDAVIT OF PENNY CIERZAN

Accretive Health, Inc.,

Defendant.

Penny Cierzan, being first duly sworn on oath, states as follows:

1. My name is Penny Cierzan. I am 42 years old and live in Minneapolis with my husband, Guy, and our two children. Our son, Noah, is 12 years old; our daughter, Leah, is 7 years old. I own a legal recruiting company that places paralegals and attorneys in positions in law firms and legal departments. Guy is a partner at Olson, an advertising agency. I was educated to be a paralegal at Hamline University, and then went to law school at Hamline as well. I taught classes at Hamline for about 10 years, and used to be the director of Hamline's paralegal program.

2. On May 9, 2011, it was Noah's 11th birthday. We were having a birthday party for Noah, and he and his friends were outside playing. Noah fell and badly cut his knee. There was blood everywhere. Since Noah needed immediate medical attention, I drove him to the Fairview Southdale Emergency Room. My mother came over to our house to watch Noah's friends, and I called Guy at work to meet us at the emergency

room. Noah was almost hysterical due to the blood, his injury, missing his birthday party, and missing upcoming events. It was a tough day.

3. When Noah and I arrived at the Fairview Southdale Emergency Room, we went to the counter and checked in. After checking in and providing our insurance information, we were taken to a private room. At about this time, Guy arrived at the emergency room and was with us. When we were in Noah's room, Guy and I were at his bedside, and care providers seemed to be coming in and out. Noah was still extremely upset, so we were focused on him. A doctor came into the room for a quick look at Noah's knee. At around this same time, a woman came into the room, pushing a cart. At first, I thought she was a nurse. The woman pushed the cart to Noah's bedside and told Guy and I that we owed a \$750 deductible for the emergency room visit, and asked us how we wanted to take care of that. The woman did not make it seem like this discussion, or this charge, was optional. Since we had good insurance, we disputed that we would owe that amount. The woman said that upfront payment was a new policy. Guy asked if they would refuse to treat Noah if we didn't pay \$750 right then. The woman did not answer Guy's question. Guy said he didn't have \$750 in cash on him, and said he didn't have a check with him. The woman said she would take a credit card. Guy gave her a credit card. The woman swiped the card, asked Guy to sign something, and then left the room.

4. Noah ended up having stitches put in his knee to fix the cut. As it turned out, we were overcharged by about \$400 when we paid \$750 in the emergency room.


PENNY CIERZAN

Subscribed and sworn to before me
this 1ST day of June,
2012.


Notary Public

